

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DAVID E. KAPLAN, ROXY D. SULLIVAN,  
LINDSEY RANKIN, MICHAEL S. ALLEN, GARY  
W. MUENSTERMAN, and CHI-PIN HSU,  
Individually and on Behalf of All Others Similarly  
Situated,

Plaintiff,

vs.

S.A.C. CAPITAL ADVISORS, L.P., S.A.C.  
CAPITAL ADVISORS, INC., CR INTRINSIC  
INVESTORS, LLC, CR INTRINSIC  
INVESTMENTS, LLC, S.A.C. CAPITAL  
ADVISORS, LLC, S.A.C. CAPITAL ASSOCIATES,  
LLC, S.A.C. INTERNATIONAL EQUITIES, LLC,  
S.A.C. SELECT FUND, LLC, STEVEN A. COHEN,  
MATHEW MARTOMA, and SIDNEY GILMAN,

Defendants.

No. 1:12-cv-09350-VM

**ORAL ARGUMENT REQUESTED**

**This Document Relates to:**

BIRMINGHAM RETIREMENT AND RELIEF  
SYSTEM, Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

vs.

S.A.C. CAPITAL ADVISORS, LLC, S.A.C.  
CAPITAL ASSOCIATES, LLC, S.A.C.  
INTERNATIONAL EQUITIES, LLC, S.A.C.  
SELECT FUND, LLC, CR INTRINSIC  
INVESTORS, LLC, STEVEN A. COHEN,  
MATHEW MARTOMA, CR INTRINSIC  
INVESTMENTS, LLC and SIDNEY GILMAN,

Defendants.

No. 1:13-cv-02459-VM

**THE INSTITUTIONAL INVESTOR GROUP'S MOTION FOR APPOINTMENT AS  
LEAD PLAINTIFF AND FOR APPROVAL OF ITS SELECTION OF LEAD COUNSEL**

Plaintiff City of Birmingham Retirement and Relief System (“Birmingham Retirement System”) and putative class member KBC Asset Management NV (“KBC”) (collectively, the “Institutional Investor Group”), by and through their counsel, will, and hereby do, respectfully move this Court, on a date and at such time as may be designated by the Court, for an Order, submitted herewith: (a) appointing the Institutional Investor Group as lead plaintiff pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), as amended by the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4, *et seq.*; and (b) approving the Institutional Investor Group’s selection of Scott+Scott, Attorneys at Law, LLP and Motley Rice LLC as lead counsel for the putative class pursuant to §21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B)(v).

This motion is supported by the accompanying Memorandum of Law; the Declaration of Joseph P. Guglielmo in support thereof, and the exhibits attached thereto; all of the prior pleadings and proceedings filed herein; and such other written and/or oral argument as may be presented to the Court.

DATED: New York, New York  
September 20, 2013

SCOTT+SCOTT, ATTORNEYS AT LAW, LLP

/s/ Joseph P. Guglielmo  
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*Counsel for Proposed Lead Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of September 2013, at New York, New York.

/s/ Joseph P. Guglielmo  
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